REMARKS

By this amendment, no claims have been added, cancelled, or amended. Hence,

Claims 1, 3-8, and 10-14 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1, 3, 4, 8, 10, and 11 have been rejected under 35 U.S.C. § 103(a) as

allegedly obvious over U.S. Patent Application 2002/0007303 issued to Brookler et al.

("*Brookler*") in view of U.S. Patent No. 6,754,635 issued to Hamlin et al. ("*Hamlin*").

Claims 5 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious

over *Brookler* in view of *Hamlin* in view of U.S. Patent Application 2002/0052774 by

Parker et al. ("*Parker*").

Claims 6 and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious

over *Brookler* in view of *Hamlin* in view of U.S. Patent Number 6,826,540 issued to

Plantec et al. ("*Plantec*").

Claims 7 and 14 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious

over *Brookler* in view of *Hamlin* in view of U.S. Patent Number 6,535,885 issued to

Nardone et al. ("*Nardone*").

The rejections are respectfully traversed.

THE PENDING CLAIMS ARE PATENTABLE OVER THE CITED ART

The prior art, even if properly combined, fails to teach, disclose, or suggest, the

combination of elements featured in each pending claim.

<u>Claims 1 and 8</u>

Claims 1 and 8 each feature:

"establishing a first connection between a mobile device and a gateway using a
     first protocol;
wherein said mobile device supports said first protocol but not a second protocol;
wherein said online community is associated with a server that supports said
     second protocol but not said first protocol;
receiving user input that indicates said opinion through user interface controls on
     said mobile device;
transmitting, from said mobile device to said gateway, opinion data indicating said
     opinion, in a message that is not addressed to any specific member of the
     community, using said first protocol;
transmitting said opinion data, using said second protocol, from said gateway to
     said server;
storing said opinion data as part of survey results at said server, wherein said
     survey results reflect opinion data from a plurality of members of the
     online community; and
transmitting said survey results, using said second protocol, from said server to
     members of said online community in response to requests received by
     said server in said second protocol,
**receiving, through user interface controls on a second mobile device, user
     input that requests said survey results,**
**wherein the second mobile device is a mobile device of a member of the
     community and not the creator of the survey;**
**transmitting a request for said survey results, using said first protocol, from
     said second mobile device to said gateway;**
**transmitting a request for said survey results, using said second protocol,
     from said gateway to said server;**
**in response to said request received at said server using said second protocol,
     transmitting said survey results, using said second protocol, to said
     gateway; and**
**   sending said survey results, using said first protocol, from said
          gateway to said second mobile device"** (emphasis added)

At least the above-bolded elements are not disclosed, taught, or suggested by *Brookler* or

Hamlin, either individually or in combination.

The Office Action acknowledges that *Brookler* does not show the above-bolded

elements. Accordingly, the Office Action relies upon *Hamlin* to show the above-bolded

features.

As a preliminary matter, it is noted that the Applicants' Attorney is familiar with

Hamlin, as the Applicants' Attorney's law firm wrote and prosecuted *Hamlin*.

Hamlin is directed towards an approach for automating the conduct of surveys over a network system. In *Hamlin*, an interface is displayed to a particular client. This interface may be used by the client to define a survey. The client may cause the generation of the survey based on information received from the client, and may field the survey, once generated, to a group of target users participating in the survey. The client, which created the survey, may be provided with data that reflects the results of the survey (see *Abstract*). *Hamlin* teaches that the survey results may be provided to the client in exchange for monetary compensation (See Col. 5, lines 40-60; steps 608 and 612 of FIG. 6).

According to the approach of *Hamlin*, the client that receives the survey results is the same client that created the survey. It would be against the interests of the survey creators of *Hamlin,* who paid for the survey results, to make the survey results available to anyone but themselves. For example, if a costume maker uses the approach of *Hamlin* to generate and administer a survey to determine the top Halloween costumes for Halloween this year, it would be against the interests of the costume maker to allow other people, especially other costume makers, to have access to the survey results.

As a result of the fundamental distinctions between *Hamlin* and Claim 1, numerous claim elements of Claim 1 are not disclosed, taught, or suggested by *Hamlin*. For example, Claim 1 features:

> receiving, through user interface controls on a second mobile device, user input that requests said survey results,
> wherein the second mobile device is a mobile device of a member of the community and not the creator of the survey;

The portion of *Hamlin* cited by the Office Action to show these features (Col. 4, lines 60-67; Col. 5, lines 1-7; and Col. 13, lines 13-23) merely discusses (a) a communication interface 118 (such as a modem) to a computer system, and (b) requesting data from a survey taker, prior to the survey taker taking the survey, to customize the survey to be taken by the survey taker. Neither of these concepts is analogous to a mobile device of someone other than the creator of the survey requesting the survey results.

In fact, *Hamlin* makes clear that the client that develops the survey receives the survey results, but the survey takers do not receive the survey results (see steps 602, 604, 606, and 634 of FIG. 6, and the corresponding explanation in the detailed description, as well as Col. 5, lines 40-60). For example, *Hamlin* states:

> At step 604, the client interacts with the interface to define a survey (Col. 14, lines 46-47). (emphasis added)

> At step 610, the client uses the interface to provide an address to define where the survey results are to be delivered (Col. 14, lines 61-63). (emphasis added)

> At step 634, the file containing the results of the survey are sent to the address that was previously provided by the client (Col. 15, lines 29-31). (emphasis added)

Thus, in *Hamlin*, the only party to receive survey results is the creator of the survey.

Consequently, *Hamlin* cannot disclose, teach, or suggest the elements of "receiving, through user interface controls on a second mobile device, user input that requests said survey results" and "wherein the second mobile device is a mobile device of a member of the community and not the creator of the survey" recited in Claim 1.

Further, as *Hamlin* does not disclose, teach, or suggest a second mobile device as claimed, *Hamlin* cannot disclose, teach, or suggest the following elements of Claim 1

featuring the second mobile device:

> "transmitting a request for said survey results, using said first protocol, from said second mobile device to said gateway;
>
> sending said survey results, using said first protocol, from said gateway to said second mobile device"

Assuming, *arguendo*, that *Brookler* and *Hamlin* were to be properly combined, it is respectfully submitted that at least one element of Claim 1 would still not be disclosed, taught, or suggested by the combination *Brookler* and *Hamlin*. As a result, Claim 1 is patentable over the cited art and is in condition for allowance. Moreover, Claim 8 recites features similar to that of Claim 1, except that Claim 8 is written in computer-readable medium format. Consequently, for at least the reasons given above with respect to Claim 1, it is respectfully submitted that Claim 8 is patentable over the cited art and is in condition for allowance.

Claims 3-7, and 10-14

Claims 3-7 and 10-14 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 3-7 and 10-14 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 3-7 and 10-14 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

On October 26, 2005 By _____
Angelica Maloney